

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/25/14

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
In re Application of

CHEVRON CORPORATION,

Petitioner,

14-mc-0392 (LAK)

for an Order Pursuant to 28 U.S.C. § 1782  
to Conduct Discovery from MCSquared PR,  
Inc. for Use in Foreign Proceedings.  
----- x

### ORDER

LEWIS A. KAPLAN, *District Judge*.

Petitioner Chevron Corporation (“Chevron”) commenced this action for an order, pursuant to 28 U.S.C. § 1782, to conduct discovery from MCSquared PR, Inc. (“MCS”), and, more specifically, authorizing the issuance of a subpoena addressed to MCS requiring the production of documents and the giving of deposition testimony.

Applications pursuant to 28 U.S.C. § 1782 frequently are granted *ex parte*, particularly where they seek merely the issuance of a subpoena that the subpoenaed person later may move to quash or modify. *E.g.*, *In re Mesa Power Group, LLC*, No. 2:11-mc-280-ES, 2012 WL 6060941, at \*4 (D.N.J. Nov. 20, 2012); *In re Republic of Ecuador*, No. C-10-80225 MISC CRB (EMC), 2010 WL 3702427, at \*1-\*3 (N.D. Cal. Sept. 15, 2010); *In re Chevron Corp.*, No. M-19-111, slip. op. at 1 (S.D.N.Y. Aug. 6, 2010); *see In re Letters Rogatory from Tokyo Dist.*, 539 F.2d 1216, 1219 (9th Cir. 1976); *In re Letter of Request from Supreme Court*, 138 F.R.D. 27, 32 n.6 (S.D.N.Y. 1991). In this case, no substantial rights of any person could be prejudiced by *ex parte* issuance of the requested subpoena for like reasons.

The Court has reviewed the application and preliminarily determined that petitioner has satisfied the requirements of the statute. Accordingly, the application is granted without prejudice to any timely motion to quash or modify. Chevron may serve the subpoena attached as Exhibit 1 to the Declaration of Anne Champion, filed November 24, 2014.

SO ORDERED.

Dated: November 25, 2014

/s/ Lewis A. Kaplan

---

Lewis A. Kaplan  
United States District Judge